



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

HUMBERTO RIVERA, JR., v.	:	ORDER
Plaintiff,	:	22 CV 1874 (VB)
TOWN OF NEW FAIRFIELD, <u>et al.</u> , Defendants.	:	

Plaintiff, who is proceeding pro se, commenced this action against the Town of New Fairfield; New Fairfield Connecticut Police; First Selectmen Patricia Del Monaco; Selectmen Khris Hall; Selectmen Kim Hansen; Sgt. Adam Wagnblas; PO/Trooper Stevenson, and four unidentified New Fairfield police officers on March 3, 2022. (Doc. #1).

On August 17, 2022, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the Court issued an Order stating that this action would be dismissed without prejudice as to defendants Sgt. Wagnblas, PO/Trooper Stevenson, and First Selectmen Patricia Del Monaco unless, on or before August 31, 2022, plaintiff (i) filed on the ECF docket proof of service indicating these defendants were served on or before August 15, 2022; or (ii) showed good cause in writing for his failure to comply with Rule 4(m). (Doc. #29).

On August 25, 2022, plaintiff filed proof of service on First Selectmen Patricia Del Monaco. (Doc. #30).

On August 30, 2022, plaintiff responded to the Court's Order. (Doc. #32). In his response, plaintiff states he could not serve Sgt. Wagnblas because he "may have moved to another state or location." Plaintiff also states he made "multiple attempts at different locations" to serve PO/Trooper Stevenson but could not locate him. Plaintiff further requests the Court direct defense counsel "to provide information on all the police officers involved including the John Does in my case as to where they can be served properly or notified."

The Court construes plaintiff's request as a motion to further extend the Rule 4(m) deadline to serve Sgt. Wagnblas, PO/Trooper Stevenson, and the four unidentified New Fairfield police officers; and for leave to serve a discovery request on the Town of New Fairfield in advance of the conference required by Rule 26(f) of the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 26(d)(1) ("A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except . . . when authorized by . . . court order.").

Both requests are GRANTED.

Accordingly, the deadline to serve these defendants, as well as the John Doe defendants, is extended to October 31, 2022. By September 30, 2022, defense counsel shall respond to plaintiff's request for information regarding Sgt. Wagnblas, PO/Trooper Stevenson, and the unidentified defendants. The parties are encouraged to work cooperatively in this regard. See Local Civil Rule 26.4.

In addition, in the interest of judicial efficiency, the deadline for all defendants to move, answer, or otherwise respond to the complaint is extended to November 30, 2022.

Dated: August 31, 2022
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge